

1

H.270

2 An act relating to miscellaneous amendments to the adult-use and medical
3 cannabis programs

4 The Senate proposes to the House to amend the bill by striking out all after
5 the enacting clause and inserting in lieu thereof the following:

6 Sec. 1. 7 V.S.A. § 843 is amended to read:

7 § 843. CANNABIS CONTROL BOARD; DUTIES; MEMBERS

8

* * *

9 (h) ~~Advisory committee.~~

10 ~~(1) There is an advisory committee established within the Board that~~
11 ~~shall be composed of members with expertise and knowledge relevant to the~~
12 ~~Board's mission. The Board shall collaborate with the advisory committee on~~
13 ~~recommendations to the General Assembly. The advisory committee shall be~~
14 ~~composed of the following 14 members:~~

15 ~~(A) one member with an expertise in public health, appointed by the~~
16 ~~Governor;~~

17 ~~(B) the Secretary of Agriculture, Food and Markets or designee;~~

18 ~~(C) one member with an expertise in laboratory science or~~
19 ~~toxicology, appointed by the Governor;~~

20 ~~(D) one member with an expertise in systemic social justice and~~
21 ~~equity issues, appointed by the Speaker of the House;~~

1 ~~(E) one member with an expertise in women and minority-owned~~
2 ~~business ownership, appointed by the Speaker of the House;~~

3 ~~(F) the Chair of the Substance Misuse Prevention Oversight and~~
4 ~~Advisory Council or designee;~~

5 ~~(G) one member with an expertise in the cannabis industry, appointed~~
6 ~~by the Senate Committee on Committees;~~

7 ~~(H) one member with an expertise in business management or~~
8 ~~regulatory compliance, appointed by the Treasurer;~~

9 ~~(I) one member with an expertise in municipal issues, appointed by~~
10 ~~the Senate Committee on Committees;~~

11 ~~(J) one member with an expertise in public safety, appointed by the~~
12 ~~Attorney General;~~

13 ~~(K) one member with an expertise in criminal justice reform,~~
14 ~~appointed by the Attorney General;~~

15 ~~(L) the Secretary of Natural Resources or designee;~~

16 ~~(M) the Chair of the Cannabis for Symptom Relief Oversight~~
17 ~~Committee or designee; and~~

18 ~~(N) one member appointed by the Vermont Cannabis Trade~~
19 ~~Association.~~

20 ~~(2) Initial appointments to the advisory committee as provided in~~
21 ~~subdivision (1) of this subsection (h) shall be made on or before July 1, 2021.~~

1 ~~(3) The Board may establish subcommittees within the advisory~~
2 ~~committee to accomplish its work.~~

3 ~~(4) Members of the advisory committee who are not otherwise~~
4 ~~compensated by the member’s employer for attendance at meetings shall be~~
5 ~~entitled to per diem compensation and reimbursement of expenses as permitted~~
6 ~~under 32 V.S.A. § 1010 for not more than six meetings annually. These~~
7 ~~payments shall be made from the Cannabis Regulation Fund. [Repealed.]~~

8 Sec. 2. REPEAL; SUNSET OF CANNABIS CONTROL BOARD

9 2020 Acts and Resolves No. 164, Sec. 6e is repealed.

10 Sec. 3. 7 V.S.A. § 845 is amended to read:

11 § 845. CANNABIS REGULATION FUND

12 * * *

13 (c) Monies from the Fund shall only be appropriated for the purposes of
14 implementation, administration, and enforcement of this chapter and ~~chapter~~
15 ~~33~~ chapters 33, 35, and 37 of this title.

16 * * *

17 Sec. 4. 7 V.S.A. § 861 is amended to read:

18 § 861. DEFINITIONS

19 As used in this chapter:

20 * * *

21 (2) “Advertisement” means any written or verbal statement, illustration,

1 or depiction that ~~is calculated to induce~~ would reasonably have the effect of
2 inducing sales of cannabis or cannabis products, including any written, printed,
3 graphic, or other material; billboard, sign, or other outdoor display; other
4 periodical literature, publication, or in a radio or television broadcast; the
5 Internet; or in any other media. The term does not include:

6 (A) any label affixed to any cannabis or cannabis product or any
7 individual covering, carton, or other wrapper of that container that constitutes a
8 part of the labeling under provisions of these standards;

9 (B) any editorial or other reading material, such as a news release, in
10 any periodical or publication or newspaper for the publication of which no
11 money or valuable consideration is paid or promised, directly or indirectly, by
12 any cannabis establishment, and that is not written by or at the direction of the
13 licensee;

14 (C) any educational, instructional, or otherwise noncommercial
15 material that is not intended to induce sales and that does not propose an
16 economic transaction, but that merely provides information to the public in an
17 unbiased manner; or

18 (D) a sign attached to the premises of a cannabis establishment that
19 merely identifies the location of the cannabis establishment.

20 * * *

21 (8) “Cannabis establishment” means a cannabis cultivator, propagation

1 cultivator, wholesaler, product manufacturer, retailer, testing laboratory, or
2 integrated licensee licensed by the Board to engage in commercial cannabis
3 activity in accordance with this chapter.

4 * * *

5 (31) “Cannabis propagation cultivator” or “propagation cultivator”
6 means a person licensed by the Board to cultivate cannabis clones, immature
7 plants, and mature plants in accordance with this chapter.

8 Sec. 5. 7 V.S.A. § 863 is amended to read:

9 § 863. REGULATION BY LOCAL GOVERNMENT

10 * * *

11 (b) A municipality that hosts any cannabis establishment may establish a
12 cannabis control commission composed of commissioners who may be
13 members of the municipal legislative body. The local cannabis control
14 commission may issue and administer local control licenses under this
15 subsection for cannabis establishments within the municipality but shall not
16 assess a fee for a local control license issued to a cannabis establishment. The
17 commissioners may condition the issuance of a local control license upon
18 compliance with any bylaw adopted pursuant to 24 V.S.A. § 4414 or upon
19 ordinances regulating signs or public nuisances adopted pursuant to 24 V.S.A.
20 § 2291, except that ordinances may not regulate public nuisances as applied to
21 outdoor cultivators that are regulated in the same manner as the Required

1 Agricultural Practices under subdivision 869(f)(2) of this title. The
2 commission may suspend or revoke a local control license for a violation of
3 any condition placed upon the license. The Board shall adopt rules relating to
4 a municipality's issuance of a local control license in accordance with this
5 subsection and the local commissioners shall administer the rules furnished to
6 them by the Board as necessary to carry out the purposes of this section.

7 (c) Prior to issuing a license to a cannabis establishment under this chapter,
8 the Board shall ensure that the applicant has obtained a local control license
9 from the municipality, if required, unless the Board finds that the municipality
10 has exceeded its authority under this section.

11 (d) A municipality shall not:

12 (1) prohibit the operation of a cannabis establishment within the
13 municipality through an ordinance adopted pursuant to 24 V.S.A. § 2291 or a
14 bylaw adopted pursuant to 24 V.S.A. § 4414, or regulate a cannabis
15 establishment in a manner that has the effect of prohibiting the operation of a
16 cannabis establishment;

17 (2) condition the operation of a cannabis establishment, or the issuance
18 or renewal of a municipal permit to operate a cannabis establishment, on any
19 basis other than the conditions in subsection (b) of this section; ~~and~~ or

20 (3) exceed the authority granted to it by law to regulate a cannabis
21 establishment.

1 Sec. 6. 7 V.S.A. § 869 is amended to read:

2 § 869. CULTIVATION OF CANNABIS; ENVIRONMENTAL AND LAND
3 USE STANDARDS; REGULATION OF ~~SMALL CULTIVATORS~~
4 CULTIVATION

5 (a) A cannabis establishment shall not be regulated as “farming” under the
6 Required Agricultural Practices, 6 V.S.A. chapter 215, or other State law, and
7 cannabis produced from cultivation shall not be considered an agricultural
8 product, farm crop, or agricultural crop for the purposes of 32 V.S.A. chapter
9 124, 32 V.S.A. § 9741, or other relevant State law.

10 (b) The cultivation, processing, and manufacturing of cannabis regulated
11 under this chapter shall comply with all applicable State, federal, and local
12 environmental, energy, or public health law, unless otherwise provided under
13 this chapter.

14 (c) A cannabis establishment regulated under this chapter shall be subject
15 to regulation under 24 V.S.A. chapter 117 as authorized by this chapter, unless
16 otherwise provided under this chapter.

17 (d)(1) The cultivation, processing, and manufacturing of cannabis by all
18 cultivators regulated under this chapter shall comply with the following
19 sections of the Required Agricultural Practices as administered and enforced
20 by the Board:

21 (A) section 6, regarding conditions, restriction, and operating

1 standards;

2 (B) section 8, regarding groundwater quality and groundwater quality
3 investigations; and

4 (C) section 12, regarding subsurface tile drainage.

5 (2) Application of or compliance with the Required Agricultural
6 Practices under subdivision (1) of this subsection shall not be construed to
7 provide a presumption of compliance with or exemption to any applicable
8 State, federal, and local environmental, energy, public health, or land use law
9 required under subsections (b) and (c) of this section.

10 (e) Persons cultivating cannabis or handling pesticides for the purposes of
11 the manufacture of cannabis products shall comply with the worker protection
12 standard of 40 C.F.R. Part 170.

13 (f) Notwithstanding subsection (a) of this section, a ~~small~~ cultivator
14 licensed under this chapter who initiates cultivation of cannabis outdoors on a
15 parcel of land ~~that was subject to the Required Agricultural Practices prior to~~
16 ~~licensed cultivation of cannabis~~ shall:

17 (1) be regulated in the same manner as “farming” and not as
18 “development” on the tract of land where cultivation occurs for the purposes of
19 permitting under 10 V.S.A. chapter 151;

20 (2) not be regulated by a municipal bylaw adopted under 24 V.S.A.
21 chapter 117 in the same manner that Required Agricultural Practices are not

1 regulated by a municipal bylaw under 24 V.S.A. § 4413(d)(1)(A);

2 (3) be eligible to enroll in the Use Value Appraisal Program under 32

3 V.S.A. chapter 124 for the cultivation of cannabis, ~~provided that the~~

4 ~~agricultural land or farm building on the parcel where cannabis cultivation~~

5 ~~occurs was enrolled in the Use Value Appraisal Program prior to~~

6 ~~commencement of licensed cannabis cultivation and the parcel continues to~~

7 ~~qualify for enrollment; and~~

8 (4) be exempt under 32 V.S.A. § 9741(3), (25), and (50) from the tax on

9 retail sales imposed under 32 V.S.A. § 9771; and

10 (5) be entitled to the rebuttable presumption that cultivation does not

11 constitute a nuisance under 12 V.S.A. chapter 195 in the same manner as

12 “agricultural activities” are entitled to the rebuttable presumption, provided

13 that, notwithstanding 12 V.S.A. § 5753(a)(1)(A), the cultivation is complying

14 with subsections (b) and (d) of this section.

15 Sec. 7. 7 V.S.A. § 881 is amended to read:

16 § 881. RULEMAKING; CANNABIS ESTABLISHMENTS

17 (a) The Board shall adopt rules to implement and administer this chapter in

18 accordance with subdivisions (1)–~~(7)~~(8) of this subsection.

19 * * *

20 (3) Rules concerning product manufacturers shall include:

21 (A) requirements that a single package of a cannabis product shall

1 not contain more than ~~50~~ 100 milligrams of THC, except in the case of:

2 (i) cannabis products that are not consumable, including topical
3 preparations;

4 (ii) solid concentrates, oils, and tinctures; and

5 (iii) cannabis products sold to a dispensary pursuant to 18 V.S.A.
6 chapter 86 and rules adopted pursuant to that chapter;

7 * * *

8 (5) Rules concerning retailers shall include:

9 * * *

10 (E) ~~facility inspection~~ requirements and procedures for facility
11 inspection to occur at least annually.

12 * * *

13 (8) Rules concerning propagators shall include:

14 (A) requirements for proper verification of age of customers;

15 (B) pesticides or classes of pesticides that may be used by
16 propagators, provided that any rules adopted under this subdivision (8) shall
17 comply with and shall be at least as stringent as the Agency of Agriculture,

18 Food and Markets' Vermont Pesticide Control Regulations;

19 (C) standards for indoor cultivation of cannabis;

20 (D) procedures and standards for testing cannabis for contaminants,
21 potency, and quality assurance and control;

1 (i) cultivator licenses based on the plant canopy size of the
2 cultivation operation or plant count for breeding stock; and

3 (ii) retailer licenses.

4 (B) The Board may develop tiers for other types of licenses.

5 (3)(A) Except as provided in subdivisions (B) and (C) of this
6 subdivision (3), an applicant and its affiliates may obtain a maximum of one
7 type of each type of license as provided in subdivisions ~~(1)(A)–(E)~~ (1)(A)–(F)
8 of this subsection (d). Each license shall permit only one location of the
9 establishment.

10 (B) An applicant and its affiliates that control a dispensary registered
11 on April 1, 2022 may obtain one integrated license provided in subdivision
12 ~~(1)(F)~~ (1)(G) of this subsection (d) or a maximum of one of each type of
13 license provided in subdivisions ~~(1)(A)–(E)~~ (1)(A)–(F) of this subsection (d).
14 An integrated licensee may not hold a separate cultivator, propagator,
15 wholesaler, product manufacturer, retailer, or testing laboratory license, and no
16 applicant or its affiliates that control a dispensary shall hold more than one
17 integrated license. An integrated license shall permit only one location for each
18 of the types of activities permitted by the license: cultivation, propagator,
19 wholesale operations, product manufacturing, retail sales, and testing.

20 (C) An applicant and its affiliates may obtain multiple testing
21 laboratory licenses.

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~~(h)(1) The following records shall be exempt from public inspection and copying under the Public Records Act and shall be confidential:~~

~~(A) any record in an application for a license relating to security, public safety, transportation, or trade secrets, including information provided in an operating plan pursuant to subdivision 881(a)(1)(B) of this title; and~~

~~(B) any licensee record relating to security, public safety, transportation, trade secrets, or employees.~~

~~(2) Notwithstanding 1 V.S.A. § 317(e), the Public Records Act exemption created in this subsection shall continue in effect and shall not be repealed through operation of 1 V.S.A. § 317(e). [Repealed.]~~

Sec. 9. 7 V.S.A. § 901a is added to read:

§ 901a. ACCESSIBILITY AND CONFIDENTIALITY OF LICENSING
AND DISCIPLINARY MATTERS

(a) It is the purpose of this section to protect the reputation, security practices, and trade secrets of licensees from undue public disclosure while securing the public's right to know of government licensing actions relevant to the public health, safety, and welfare.

(b) All meetings and hearings of the Board shall be subject to the Vermont Open Meeting Law.

(c) The following shall be exempt from public inspection and copying

1 under the Public Records Act and shall be kept confidential:

2 (1) records related to licensee security, safety, transportation, or trade
3 secrets, including information provided in an operating plan pursuant to
4 subdivision 881(a)(1)(B) of this title; and

5 (2) records related to complaints, investigations, or proceedings, except
6 as provided in subsection (d) of this section.

7 (d)(1) If a complaint or investigation results in formal action to revoke,
8 suspend, condition, reprimand, warn, fine, or otherwise to penalize a licensee
9 based on noncompliance with law or regulation, the case record, as defined by
10 3 V.S.A. § 809(e), shall be available for public inspection and copying under
11 Vermont's Public Records Act.

12 (2) The Board shall prepare and maintain an aggregated list of all closed
13 investigations into misconduct or noncompliance from whatever source
14 derived. The information contained in the list shall be available for public
15 inspection and copying under Vermont's Public Records Act. The list shall
16 contain the date, nature, and outcome of each complaint. The list shall not
17 contain the identity of the subject licensee unless formal action resulted, as
18 described in subdivision (1) of this subsection.

19 (e) Notwithstanding 1 V.S.A. § 317(e), the Public Records Act exemption
20 created in this section shall continue in effect and shall not be repealed through
21 operation of 1 V.S.A. § 317(e).

1 Sec. 10. 7 V.S.A. § 904 is amended to read:

2 § 904. CULTIVATOR LICENSE

3 (a) A cultivator licensed under this chapter may:

4 (1) cultivate, process, package, label, transport, test, and sell cannabis to
5 a licensed wholesaler, product manufacturer, retailer, integrated licensee, and
6 dispensary ~~and may~~;

7 (2) purchase and sell cannabis seeds and immature cannabis plants to
8 another licensed cultivator and propagation cultivator; and

9 (3) possess and sell cannabis products to a licensed wholesaler, product
10 manufacturer, retailer, integrated licensee, and dispensary.

11 * * *

12 Sec. 11. 7 V.S.A. § 904b is added to read:

13 § 904b. PROPAGATION CULTIVATOR LICENSE

14 (a) A propagation cultivator licensed under this section may:

15 (1) cultivate not more than 3,500 square feet of cannabis clones,
16 immature cannabis plants, or mature cannabis plants;

17 (2) test, transport, and sell cannabis clones and immature cannabis
18 plants to licensed cultivators; and

19 (3) test, transport, and sell cannabis seeds that meet the federal
20 definition of hemp to a licensed cultivator or retailer or to the public.

21 (b) A licensed propagation cultivator shall not cultivate mature cannabis

1 plants for the purpose of producing, harvesting, transferring, or selling
2 cannabis flower for or to any person.

3 Sec. 12. PROPAGATION CULTIVATOR LICENSE IMPLEMENTATION

4 The Cannabis Control Board shall begin issuing propagation cultivator
5 licenses on or before July 1, 2024.

6 Sec. 13. 7 V.S.A. § 905 is amended to read:

7 § 905. WHOLESALER LICENSE

8 A wholesaler licensed under this chapter may:

9 (1) purchase cannabis ~~from a licensed cultivator and integrated licensee,~~
10 and cannabis products from a licensed ~~product manufacturer, integrated~~
11 ~~licensee, and dispensary~~ cannabis establishment;

12 (2) transport, process, package, and sell cannabis and cannabis products
13 to a licensed ~~product manufacturer, retailer, integrated licensee, and dispensary~~
14 cannabis establishment; and

15 (3) sell cannabis seeds or immature cannabis plants to a licensed
16 cultivator.

17 Sec. 14. 7 V.S.A. § 906 is amended to read:

18 § 906. PRODUCT MANUFACTURER LICENSE

19 A product manufacturer licensed under this chapter may:

20 (1) purchase cannabis ~~from a licensed cultivator, wholesalers, or~~
21 ~~integrated licensee,~~ and cannabis products from a licensed ~~wholesaler, product~~

1 ~~manufacturer, integrated licensee, and dispensary~~ cannabis establishment;

2 (2) use cannabis and cannabis products to produce cannabis products;

3 and

4 (3) transport, process, package, and sell cannabis products to a licensed

5 ~~wholesaler, product manufacturer, retailer, integrated licensee, and dispensary~~

6 cannabis establishment.

7 Sec. 15. 7 V.S.A. § 907 is amended to read:

8 § 907. RETAILER LICENSE

9 (a) A retailer licensed under this chapter may:

10 (1) purchase cannabis ~~from a licensed cultivator, wholesaler, or~~

11 ~~integrated licensee~~, and cannabis products from a licensed ~~wholesaler, product~~

12 ~~manufacturer, integrated licensee, and dispensary~~ cannabis establishment; and

13 (2) transport, possess, package, and sell cannabis and cannabis products

14 to the public for consumption off the registered premises or for cultivation.

15 * * *

16 Sec. 16. 7 V.S.A. § 910 is amended to read:

17 § 910. CANNABIS ESTABLISHMENT FEE SCHEDULE

18 The following fees shall apply to each person or product licensed by the

19 Board:

20 * * *

1 (3) Manufacturers.

2 (A) Manufacturer tier 1. Manufacturers that process and manufacture
3 cannabis in order to produce cannabis products without using solvent-based
4 extraction and not more than ~~\$10,000.00~~ \$50,000.00 per year in cannabis
5 products based on the manufacturer's total annual sales in cannabis products
6 shall be assessed an annual licensing fee of \$750.00.

7 * * *

8 (7) Propagation cultivators. Propagation cultivators shall be assessed an
9 annual licensing fee of \$500.00.

10 (8) Employees. Cannabis establishments licensed by the Board shall be
11 assessed an annual licensing fee of \$50.00 for each employee.

12 ~~(8)~~(9) Products. Cannabis establishments licensed by the Board shall be
13 assessed an annual product licensing fee of \$50.00 for every type of cannabis
14 and cannabis product that is sold in accordance with this chapter.

15 ~~(9)~~(10) Local licensing fees. Cannabis establishments licensed by the
16 Board shall be assessed an annual local licensing fee of \$100.00 in addition to
17 each fee assessed under subdivisions (1)–~~(6)~~(7) of this section. Local licensing
18 fees shall be distributed to the municipality in which the cannabis
19 establishment is located pursuant to section 846(c) of this title.

20 ~~(10)~~(11) One-time fees.

21 (A) All applicants for a cannabis establishment license shall be

1 assessed an initial one-time application fee of \$1,000.00.

2 (B) An applicant may choose to be assessed an initial one-time
3 intent-to-apply fee of \$500.00. If the applicant subsequently seeks a license
4 within one year after paying the intent-to-apply fee, the initial one-time
5 application fee of \$1,000.00 shall be reduced by \$500.00.

6 Sec. 17. 7 V.S.A. chapter 35 is amended to read:

7 CHAPTER 35. MEDICAL CANNABIS REGISTRY

8 § 951. DEFINITIONS

9 As used in this chapter:

10 * * *

11 (8) “Qualifying medical condition” means:

12 (A) cancer, multiple sclerosis, positive status for human
13 immunodeficiency virus, acquired immune deficiency syndrome, glaucoma,
14 Crohn’s disease, Parkinson’s disease, post-traumatic stress disorder, or the
15 treatment of these conditions, if the disease or the treatment results in severe,
16 persistent, and intractable symptoms; or

17 (B) ~~post-traumatic stress disorder, provided the Department confirms~~
18 ~~the applicant is undergoing psychotherapy or counseling with a licensed~~
19 ~~mental health care provider; or~~

20 (C) a disease or medical condition or its treatment that is chronic,
21 debilitating, and produces one or more of the following intractable symptoms:

1 cachexia or wasting syndrome, chronic pain, severe nausea, or seizures.

2 * * *

3 § 952. REGISTRY

4 * * *

5 (b) A person who is a registered patient or a registered caregiver on behalf
6 of a patient may:

7 (1) Cultivate not more than ~~two~~ six mature and ~~seven~~ 12 immature
8 cannabis plants. Any cannabis harvested from the plants shall not count
9 toward the two-ounce possession limit in subdivision (2) of this subsection,
10 provided it is stored in an indoor facility on the property where the cannabis
11 was cultivated and reasonable precautions are taken to prevent unauthorized
12 access to the cannabis.

13 (2) Possess not more than two ounces of cannabis.

14 (3) Purchase cannabis and cannabis products at a licensed medical
15 cannabis dispensary. Pursuant to chapter 37 of this title, a dispensary may
16 offer goods and services that are not permitted at a cannabis establishment
17 licensed pursuant to chapter 33 of this title.

18 * * *

19 § 954. CAREGIVERS

20 (a) Pursuant to rules adopted by the Board, a person may register with the
21 Board as a caregiver of a registered patient to obtain the benefits of the

1 Registry as provided in section 952 of this title.

2 (b)(1) The Board shall ~~adopt rules that set forth standards for determining~~
3 ~~whether an applicant should be denied a caregiver card because of his or her~~
4 ~~criminal history record. An applicant shall not be denied solely on the basis of~~
5 ~~a criminal conviction that is not listed in 13 V.S.A. chapter 25 or 28~~ conduct a
6 name and date of birth Vermont criminal conviction record background check
7 and obtain information from the Child Protection Registry maintained by the
8 Department for Children and Families and from the Vulnerable Adult Abuse,
9 Neglect, and Exploitation Registry maintained by the Department of
10 Disabilities, Aging, and Independent Living (collectively, the Registries) for
11 any person who applies to be a caregiver.

12 (2) ~~The Board shall obtain from the Vermont Crime Information Center~~
13 ~~a copy of the caregiver applicant's fingerprint based Vermont criminal history~~
14 ~~records, out of state criminal history records, and criminal history records from~~
15 ~~the Federal Bureau of Investigation.~~

16 (c) The Board shall adopt rules that set forth standards for determining
17 whether an applicant should be denied a ~~cannabis establishment license~~
18 caregiver card because of ~~his or her criminal history record~~ the applicant's
19 criminal history record or status on either Registry.

20 (d)(1) Except as provided in subdivision (2) of this subsection, a caregiver
21 ~~shall serve only one patient~~ may serve not more than two patients at a time,

1 and a patient shall have only one registered caregiver at a time. A patient may
2 serve as a caregiver for one other patient.

3 (2) A patient who is under 18 years of age may have two caregivers.
4 Additional caregivers shall be at the discretion of the Board.

5 (e) Medicaid funds shall not be used to support a caregiver in the
6 cultivation or distribution of cannabis on behalf of a patient.

7 § 955. REGISTRATION; FEES

8 (a) A registration card shall expire one year after the date of issuance for
9 patients with a qualifying medical condition of chronic pain and the caregivers
10 who serve those patients. For all other patients and the caregivers who serve
11 those patients, a registration card shall expire three years after the date of
12 issuance. A patient or caregiver may renew the card according to protocols
13 adopted by the Board.

14 (b) The Board shall charge and collect a \$50.00 ~~annual~~ registration and
15 renewal fee for patients and caregivers. Fees shall be deposited in the
16 Cannabis Regulation Fund as provided in section 845 of this title.

17 § 956. RULEMAKING

18 The Board shall adopt rules for the administration of this chapter. ~~No rule~~
19 ~~shall be more restrictive than any rule adopted by the Department of Public~~
20 ~~Safety pursuant to 18 V.S.A. chapter 86.~~

1 Sec. 18. 33 V.S.A. § 4919 is amended to read:

2 § 4919. DISCLOSURE OF REGISTRY RECORDS

3 (a) The Commissioner may disclose a Registry record only as follows:

4 * * *

5 (11) To the Cannabis Control Board, in accordance with the provisions
6 of 7 V.S.A. § 954.

7 * * *

8 Sec. 19. 33 V.S.A. § 6911 is amended to read:

9 § 6911. RECORDS OF ABUSE, NEGLECT, AND EXPLOITATION

10 * * *

11 (c) The Commissioner or designee may disclose Registry information only
12 to:

13 * * *

14 (12) The Cannabis Control Board for the purpose of evaluating an
15 individual's suitability to be a registered caregiver under 7 V.S.A. § 954.

16 * * *

17 Sec. 20. 7 V.S.A. § 974 is amended to read:

18 § 974. RULEMAKING

19 (a)(1) The Board shall adopt rules to implement and administer this
20 chapter. In adoption of rules, the Board shall strive for consistency with rules
21 adopted for cannabis establishments pursuant to chapter 33 of this title where

1 appropriate. ~~No rule shall be more restrictive than any rule adopted by the~~
2 ~~Department of Public Safety pursuant to 18 V.S.A. chapter 86.~~

3 * * *

4 Sec. 21. CANNABIS CONTROL BOARD REPORTING; MEDICAL
5 CANNABIS REGISTRY

6 (a) The Cannabis Control Board shall work with the Vermont Academic
7 Detailing Program, Registry patients and caregivers, licensed medical cannabis
8 dispensaries, and medical professional stakeholders to review the Medical
9 Cannabis Registry. The review shall include:

10 (1) an assessment of the illnesses or symptoms most appropriately
11 treated by cannabis;

12 (2) the strains of cannabis recommended for such treatment;

13 (3) the doses of active chemicals recommended for treatment;

14 (4) appropriate treatment protocols for patients, including whether
15 ongoing medical oversight such as counseling or other services is needed for
16 each condition being treated;

17 (5) how the use of cannabis is communicated to patients and patients'
18 providers; and

19 (6) any other issues that will improve the Registry.

20 (b) The Board shall convene the working group not less than four times to
21 complete its work.

1 (c) The Board shall provide recommendations for improvement to the
2 Medical Cannabis Registry to the Senate Committee on Health and Welfare
3 and the House Committees on Human Services and on Health Care on or
4 before January 15, 2024.

5 Sec. 22. 7 V.S.A. § 1001(8) is amended to read:

6 (8) “Tobacco substitute” means products, including electronic cigarettes
7 or other electronic or battery-powered devices, that contain or are designed to
8 deliver nicotine or other substances into the body through the inhalation of
9 vapor and that have not been approved by the U.S. Food and Drug
10 Administration for tobacco cessation or other medical purposes. ~~Products~~
11 Cannabis products as defined in section 831 of this title or products that have
12 been approved by the U.S. Food and Drug Administration for tobacco
13 cessation or other medical purposes shall not be considered to be tobacco
14 substitutes.

15 Sec. 23. 32 V.S.A. § 7702(15) is amended to read:

16 (15) “Other tobacco products” means any product manufactured from,
17 derived from, or containing tobacco that is intended for human consumption by
18 smoking, chewing, or in any other manner, including products sold as a
19 tobacco substitute, as defined in 7 V.S.A. § 1001(8), and including any liquids,
20 whether nicotine based or not, or delivery devices sold separately for use with
21 a tobacco substitute, but shall not include cigarettes, little cigars, roll-your-own

1 tobacco, snuff, ~~or~~ new smokeless tobacco as defined in this section, or
2 cannabis products as defined in 7 V.S.A. § 831.

3 Sec. 23a. 7 V.S.A. § 831(3) is amended to read:

4 (3) “Cannabis product” means concentrated cannabis and a product that
5 is composed of cannabis and other ingredients and is intended for use or
6 consumption, including an edible product, ointment, and tincture. Cannabis
7 product shall include a vaporizer cartridge containing cannabis oil that is
8 intended for use with a battery-powered device and any device designed to
9 deliver cannabis into the body through inhalation of vapor that is sold at a
10 cannabis establishment licensed pursuant to chapter 33 of this title. “Cannabis
11 product” does not mean a “tobacco product” as defined in 32 V.S.A. § 7702, a
12 “tobacco substitute” as defined in section 1001 of this title, or “tobacco
13 paraphernalia” as defined in section 1001 of this title.

14 Sec. 23b. 7 V.S.A. § 1002 is amended to read:

15 § 1002. LICENSE REQUIRED; APPLICATION; FEE; ISSUANCE

16 (a)(1) ~~No~~ Except as provided in subsection (h) of this section, no person
17 shall engage in the retail sale of tobacco products, tobacco substitutes, or
18 tobacco paraphernalia in his or her the person’s place of business without a
19 tobacco license obtained from the Division of Liquor Control.

20 * * *

1 (h) This section shall not apply to a cannabis establishment licensed
2 pursuant to chapter 33 of this title to engage in the retail sale of cannabis
3 products as defined in section 831 of this title, but not engaged in the sale of
4 tobacco products or tobacco substitutes.

5 Sec. 24. TRANSFER AND APPROPRIATION

6 Notwithstanding 7 V.S.A. § 845(c), in fiscal year 2024:

7 (1) \$500,000.00 is transferred from the Cannabis Regulation Fund
8 established pursuant to 7 V.S.A. § 845 to the Cannabis Business Development
9 Fund established pursuant to 7 V.S.A. § 987; and

10 (2) \$500,000.00 is appropriated from the Cannabis Business
11 Development Fund to the Agency of Commerce and Community Development
12 to fund technical assistance and provide loans and grants pursuant to 7 V.S.A.
13 § 987.

14 Sec. 24a. RACIAL DISPARITIES IN THE CRIMINAL AND JUVENILE

15 JUSTICE SYSTEM ADVISORY PANEL REPORTING; RACIAL

16 EQUITY AND COMMUNITY REINVESTMENT

17 (a) The Racial Disparities in the Criminal and Juvenile Justice System
18 Advisory Panel shall collaborate with local and national stakeholders to study
19 the administration and funding of the Cannabis Business Development Fund
20 and gather qualitative and quantitative data informing the establishment and
21 funding of community reinvestment for individuals and communities

1 disproportionately impacted by the criminalization of cannabis. The study
2 shall do each of the following:

3 (1) Identify in an aggregated format the demographics of individuals
4 who have been disproportionately impacted by cannabis prohibition in
5 Vermont and nationally and identify communities most heavily impacted,
6 while not disclosing the identity of any particular individual.

7 (2) Identify the ways in which such individuals and communities have
8 been disproportionately impacted by cannabis prohibition in Vermont,
9 including rates of poverty; access to employment, housing, and education; and
10 involvement with the criminal justice system.

11 (3) Any other issues related to the impacts of the criminalization of
12 cannabis in Vermont and the United States that will improve racial equity and
13 community reinvestment in Vermont.

14 (b) The Panel shall convene not less than four times to complete its work.

15 (c) The Panel shall provide recommendations on how to administer and
16 fund the Cannabis Business Development Fund and fund and administer
17 reinvestment in individuals and communities disproportionately harmed by
18 cannabis criminalization to the Senate Committee on Economic Development,
19 Housing and General Affairs and on Finance on or before January 15, 2024.

20 Sec. 25. EFFECTIVE DATE

21 This act shall take effect on passage.